IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

NOTICE OF MOTION NO. 2094 OF 2003

IN

SUIT NO. 1802 OF 1986

Radhabai D. Madgaonkar
& Ors. .. Plaintiffs.

vs.

Sudhir R. Bhuleskar
& Anr. .. Defendants.

A.R. Bamne for plaitniffs.
None for defendants.

CORAM : S.U.KAMDAR, J.

DATE : 28th OCTOBER, 2005.

P.C.

. The motion is for restoration of earlier notice of motion no. 1120 of 2000 which has been dismissed for default by an order dated 29.1.2001. The only ground given in the affidavit in support is that the client should not suffer for the default of the advocate. I am not at all satisfied with the ground set out. However, the learned advocate for the plaintiff states that the matter be restored and be heard on merits if necessary on payment of costs.

There is no affidavit in reply to the motion. In that view of the matter, I restore the motion No. 1120 of 2000 by making the same absolute in terms of prayer clauses (a) and (b). Motion no. 1120 of 2000 to be on board on 24.11.2005 for hearing and final disposal. The plaintiff to pay cost quantified at Rs. 5000/- to the Maharshtra State Legal Services Authority within three weeks. Motion disposed of accordingly.